

DECISION STATEMENT

NEIGHBOURHOOD DEVELOPMENT PLAN PROCEEDING TO REFERENDUM

1 Yoxall Neighbourhood Development Plan

1.1 I confirm that the Yoxall Neighbourhood Plan, as revised according to the modifications set out below, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan can therefore proceed to referendum. The referendum will be held on 23rd July 2015.

1.2. I also declare that I have no personal or prejudicial interest in respect of this decision.

Signed



Sal Khan
Head of Service

2. Background

2.1 On 6th December, Yoxall Parish Council requested that, in accordance with Regulation 5(1) of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”), their parish area be designated as a neighbourhood area, for which a Neighbourhood Development Plan will be prepared.

2.2 The Council confirms that for the purposes of section 5 (1) of the Regulations the Parish Council is the “relevant body” for their area.

2.3 In accordance with Regulation 6 of the Regulations, East Staffordshire Borough Council placed on their website these applications, including parish boundary maps, details of where representations could be sent, and by what date, for a six week period (22nd March 2013 to 3rd May 2013). In addition, it publicised the application by issuing a press release, although maps and individual letters did not appear with this. Similarly, the relevant

application, together with details of where representations could be sent, and by what date, were advertised within the parish via the Parish Council.

2.4 The Borough Council designated the Neighbourhood Area by way of Executive Decision of the appropriate Deputy Leader on 16th May 2013.

2.5 In accordance with Regulation 7, the decision to designate the Neighbourhood Area was advertised on the Council website together with the name, area covered and map of the area.

2.6 The Parish Council consulted on a pre-submission version of their draft Neighbourhood Development Plan between 1st November 2014 and 13th December 2014, fulfilling all the obligations set out in Regulation 14.

2.7 The Parish Council submitted their Neighbourhood Development Plan to East Staffordshire Borough Council in January 2015 in accordance with Regulation 15.

2.8 The Borough Council publicised the submitted Neighbourhood Development Plan and its supporting documents for 6 weeks between 16th February and 30th March 18th 2015 in accordance with Regulation 16.

2.8 Mrs Ann Skippers was appointed to examine the Neighbourhood Development Plan, and the Examination took place in April 2015.

2.9 The Examiner concluded she was satisfied that the Neighbourhood Development Plan was capable of meeting the legal requirements set out in the Localism Act 2011, including meeting the Basic Conditions, subject to the modifications set out in his report (see table below).

2.10 Schedule 4B s.12 to the Town and Country Planning Act 1990 requires that a local authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation. If the authority is satisfied that, subject to the modifications made, the draft Neighbourhood Development Plan meets the legal requirements and Basic Conditions as set out in legislation, a referendum must be held on the making of the Neighbourhood Development Plan by the Borough Council. (If the local authority is not satisfied that the Neighbourhood Development Plan meets the Basic Conditions and legal requirements then it must refuse the proposal.) A referendum must take place and a majority of residents must vote in favour of the Neighbourhood Development Plan before it can be 'made'.

2.11 The Basic Conditions are:

1. Has regard to national policy and guidance from the Secretary of State
2. Contributes to sustainable development

3. Is in general conformity with the strategic policy of the development plan for the area or any part of that area
4. Does not breach or is otherwise compatible with EU obligations – this includes the SEA Directive of 2001/42/EC
5. The making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species regulations 2010(d) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats &c) regulations 2007 9(e) (either alone or in combination with other plans or projects).

3. Examiner's Recommendations and Local Authority's Response (Regulation 18(1))

Examiner's Recommendation	Section in Neighbourhood Development Plan Examination Document	Decision and reason	New text if applicable
Insert page number on contents page.	Contents page	Agreed, to assist in reading the document	
Complete Foreword and attributions sections referred to on the contents page or delete these two headings from the contents page	Top of contents page	Agreed	
Change date of the Localism Act to '2011' in paragraph 1.01	Para 1.01 page 1	Agreed, for clarity and accuracy	Replace '2012' with '2011'
Check Plan for any other references to the Localism act that similarly need correcting		Agreed, for clarity and accuracy	ESBC have checked the rest of the document and there are no other changes to be made.
Make clear the status of the emerging Local Plan referred to in paragraph 1.03.	Para 1.03 page 1 and para 1.09 page	Agreed, for clarity and accuracy	Para 1.03 insert ' <i>emerging</i> ' between 'The' and 'East'.
Add reference to the current development plan in paragraphs 1.03 and 1.09	Para 1.03 page 1 and para 1.09 page	Agreed, for clarity and accuracy	Add a new first sentence to para 1.03: ' <i>The current development plan in the borough is the East Staffordshire Local Plan 2006 (saved policies).</i> ' Replace all references to 'allocated sites' in the plan by 'proposed allocations'. Delete second sentence in para 1.09 and replace with: ' <i>In the case of Yoxall there are no housing figures for Yoxall in the adopted Local Plan (2006) but the emerging Local Plan (2012-2031) proposes a development allowance of 40 dwellings for Yoxall village, which is what the Neighbourhood Plan group worked with.</i> '

Make it clear in paragraph 1.08 that there are a number of basic conditions the Plan must meet including having regard to national policy and advice and general conformity with strategic policies in the development plan, and use the wording of the basic conditions.	Para 1.08 page 2.	Agreed, for clarity and accuracy	After second sentence insert: <i>Paragraph 8 of Schedule 4B to the Town and Country Planning act requires that Neighbourhood Development Plans must:</i> i. <i>Have appropriate regard to national policies and advice contained in the National Planning Policy Framework (NPPF);</i> ii. <i>Contribute to the achievement of sustainable development;</i> iii. <i>Be in general conformity with the strategic policies in the local plan for the area; and</i> iv. <i>Be compatible with EU obligations, including human rights requirements.</i>
Delete the word 'local' before 'strategic policies' in paragraph 1.08	Para 1.08 page 2.	Agreed, for clarity and accuracy	Delete the word 'local' before 'strategic policies'
Add at the start of paragraph 2.13 ' <i>Much of Yoxall Parish...</i> '	Para 2.13 page 7	Agreed, for accuracy	At the start of paragraph 2.13 add ' <i>Much of Yoxall Parish...</i> '
Change reference to the National Forest Plan (2004/14) in paragraph 2.13 to ' <i>National Forest Strategy 2012-24...</i> '	Para 2.13 page 7	Agreed, for accuracy	Delete 'National Forest Plan (2004-14)' and insert ' <i>National Forest Strategy 2012-24...</i> '
Delete the words 'a Methodist' and replace with the words ' <i>Woodmill Methodist Church</i> ' to the end of paragraph 2.27	Para 2.27 page 8	Agreed, for completeness	Delete the words 'a Methodist' and replace with the words ' <i>Woodmill Methodist Church</i> ' to the end of the paragraph.
Amend and update paragraphs 3.01 and 3.03 as necessary	Paras 3.01 and 3.03 page 11	Agreed, for clarity and accuracy	In second sentence of 3.01 after '...Plan' delete rest of sentence and insert ' <i>...has been tested through an independent examination, checked by the local authority and will now proceed to referendum.</i> ' Para 3.03, delete text and insert: ' <i>When the Yoxall Neighbourhood Plan was submitted to East Staffordshire Borough Council it was accompanied by a Basic conditions Statement which showed how the Neighbourhood Plan satisfied the Basic conditions.</i> '
Change bullet point 3 in paragraph 3.02 to read ' <i>...general conformity with the strategic policies contained in the development plan for the area.</i> '	Para 3.02 bullet point 3, page 11	Agreed, for accuracy	Delete text in bullet point 3 after 'in' and insert ' <i>...general conformity with the strategic policies contained in the development plan for the area.</i> '
Amend paragraph 3.09 to make it clear that the Plan has taken account of the emerging Local Plan 2012-2031, but that it only need to be in general conformity with the saved strategic policies of the Local Plan 2006.	Para 3.09 page 12	Agreed, for accuracy and clarity	Delete end of second sentence after 'policies' and insert ' <i>..., which the Yoxall Neighbourhood Plan has had regard to. The Yoxall Neighbourhood Plan, however, has to be in general conformity with the saved policies of the Local Plan 2006.</i> '
In paragraph 3.11 add the word ' <i>emerging</i> ' after the first 'The'	Para 3.11, page 12	Agreed, for accuracy	After first 'The' insert ' <i>emerging</i> '

Delete the last two sentences in paragraph 3.11 and insert ' <i>Yoxall Neighbourhood Plan group have worked closely with ESBC and the development allowance indicated in the emerging Local Plan has been used as a basis for considering housing in the Neighbourhood Plan.</i> '	Para 3.11 page 12	Agreed, for accuracy and clarity	Delete the last two sentences in paragraph 3.11 and insert ' <i>Yoxall Neighbourhood Plan group have worked closely with ESBC and the development allowance indicated in the emerging Local Plan has been used as a basis for considering housing in the Neighbourhood Plan.</i> '
Reword objective 1A to read ' <i>To deliver the amount of housing required by East Staffordshire Borough Council's strategic housing policies.</i> '	Para 3.17 objective 1A	Agreed, for accuracy	Delete objective 1A and replace with: ' <i>To deliver the amount of housing required by East Staffordshire Borough Council's strategic housing policies.</i> '
Delete the phrase 'a limited amount of' from paragraph 3.30	Para 3.30 page 15	Agreed, for accuracy	
Correct paragraph 4.02 by substituting the word 'has' for 'must' in the first sentence			Grammatically change phrase 'must make' to ' <i>has made</i> '
Either delete or move this section in its entirety to Appendix D	Section 4, pages 16-18	Agreed, for accuracy	Yoxall PC and NDP working group are keen for this information to remain in the plan so it will be moved to appendix D. Paragraph 4.06 added to referendum plan to reflect this.
Replace the words 'is introducing' with ' <i>may introduce</i> ' in paragraph 5.03	Para 5.03, page 19	Agreed, for accuracy	Replace the words 'is introducing' with ' <i>may introduce</i> ' in paragraph 5.03
Correct paragraph 5.04 by substituting the first use of the word 'exception' with ' <i>extension</i> '	Page 19, para 5.04	Agreed	Delete word 'exception' and replace with ' <i>extension</i> '
Amend Policy H1 so that it reads: <i>'The Yoxall Settlement Boundary is shown in illustration 5a. Appropriate new housing development will be permitted on infill or redevelopment sites inside the settlement Boundary provided it complies with the other policies of this Plan. The total number of dwellings provided on windfall sites inside the Yoxall settlement Boundary is expected to be around 20 new dwellings over the plan period (to 2031).'</i>	Policy H1, page 19	Agreed, to meet the basic conditions	Reword policy H1 to: <i>The Yoxall Settlement Boundary is shown in illustration 5a. Appropriate new housing development will be permitted on infill or redevelopment sites inside the settlement Boundary provided it complies with the other policies of this Plan. The total number of dwellings provided on windfall sites inside the Yoxall settlement Boundary is expected to be around 20 new dwellings over the plan period (to 2031).'</i>
Retitle the policy ' <i>Housing Development Outside the Yoxall Settlement Boundary</i> '	Policy H2, page 21	Agreed, for clarity	Policy H2 title is now: ' <i>Housing Development Outside the Yoxall Settlement Boundary</i> '
Delete the words '...and to place a numerical limit on the amount of new housing development that will be permitted outside the Settlement Boundary over the plan period.' In paragraph 5.12	Para 5.12, page 21	Agreed, to ensure the explanatory text reflects the policy and meets NPPF	
Delete the word 'only' from the second sentence in the	Policy H2, page	Agreed, to	

policy	21	positively reflect development, in line with National Policy	
Amend criterion a) to read <i>'the development is on a small site and would provide affordable housing for evidenced local need. Small numbers of market homes may be permitted where this is essential to enable the delivery of affordable units, and'</i>	Policy H2, page 21	Agreed, to reflect National Policy	New criterion a): <i>the development is on a small site and would provide affordable housing for evidenced local need. Small numbers of market homes may be permitted where this is essential to enable the delivery of affordable units, and'</i>
Delete criterion b) and renumber subsequent criteria	Policy H2, page 21	Agreed, for clarity and to reflect National Policy	
Insert the words <i>'preserves or'</i> after <i>'the development...'</i> and before <i>'...enhances'</i> in criterion c)	Policy H2, page 21	Agreed, for clarity and to reflect National Policy	Insert the words <i>'preserves or'</i> after <i>'the development...'</i> and before <i>'...enhances'</i> in criterion c)
Delete criterion e)	Policy H2, page 21	Agreed, as criterion as written is not clear	
Add <i>'Yoxall Conservation Area Appraisal'</i> at the end of the first paragraph of Policy D1 and make consequential amendments to the supporting text.	Policy D1 pages 22-23	Agreed, for completeness	Add <i>'Yoxall Conservation Area Appraisal'</i> at the end of the first paragraph of Policy D1 Add the following to the end of para 5.14: <i>'Another key document is the Yoxall Conservation Area Appraisal, which has recently been updated.'</i>
Change <i>'their historic setting'</i> in the policy to <i>'the historic and rural setting of the Parish'</i>	Policy D1 page 23	Agreed, for consistency	Change <i>'their historic setting'</i> in the policy to <i>'the historic and rural setting of the Parish'</i>
Add <i>'and form'</i> after <i>'...the scale..'</i> to criterion a)	Policy D1 page 23	Agreed, for consistency	Add <i>'and form'</i> after <i>'...the scale..'</i> to criterion a)
Reword paragraph 5.17 to read <i>'Traditional farmsteads make a considerable and important contribution to the historic rural character of the Parish. Staffordshire County</i>	Para 5.17, page 22	Agreed, for accuracy	Reword paragraph 5.17 to read <i>'Traditional farmsteads make a considerable and important contribution to the historic rural character of the Parish. Staffordshire County Council and English Heritage have</i>

<i>Council and English Heritage have produced Farmsteads Guidance for East Staffordshire, providing advice on identifying the historic character of traditional farmsteads and guidance on the first principles for sensitive conservation.'</i>			<i>produced Farmsteads Guidance for East Staffordshire, providing advice on identifying the historic character of traditional farmsteads and guidance on the first principles for sensitive conservation.'</i>
Consequentially, delete the final sentence in paragraph 5.18	Para 5.18, page 22	Agreed, for consistency	
Revise paragraph 5.22 to reflect current position in line with modifications about farmsteads guidance i paragraphs 5.17 and 5.18 by adding a reference to the published guidance and add at the end the words <i>'are essential reading in delivering appropriate development and protecting our historic rural landscape.'</i> Or similar.	Para 5.22, page 23	Agreed, for accuracy and consistency	Revise paragraph 5.22 to reflect current position in line with modifications about farmsteads guidance i paragraphs 5.17 and 5.18 by adding a reference to the published guidance and add at the end the words <i>'are essential reading in delivering appropriate development and protecting our historic rural landscape.'</i>
Consequential amendment needed to reference to the farmsteads guidance on page 31 of the Plan	Page 31	Agreed, for accuracy and consistency	Update reference 14 on page 31 with 2015 date as it is now published
Delete the words 'in Yoxall' from the first sentence of the policy	Policy D2, page 23	Agreed, for consistency	
Delete the word 'urban' from criterion 1	Policy D2, page 23	Agreed, in part, for accuracy	Agreed to remove 'urban' but replace with 'existing pattern of development' to enable the policy to be clear and unambiguous, in line with national policy. Criterion 1 now reads <i>'Respond to the existing pattern of development in terms of enclosure and definition of streets and spaces;'</i>
Add <i>'and taking any opportunities for'</i> after <i>'...and'</i> and before <i>'...creating new ones</i> in criterion 2	Policy D2, page 23	Agreed, to comply with national policy	Add <i>'and taking any opportunities for'</i> after <i>'...and'</i> and before <i>'...creating new ones</i> in criterion 2
Add <i>'as appropriate'</i> at the end of <i>'...including housing suitable for older persons.'</i> In criterion 5	Policy D2, page 24	Agreed, to comply with national policy	Add <i>'as appropriate'</i> at the end of <i>'...including housing suitable for older persons.'</i> In criterion 5
Reword criterion 15 to read <i>'use materials appropriate to the development's context'</i>	Policy D2, page 24	Agreed, to comply with national policy	Reword criterion 15 to read <i>'use materials appropriate to the development's context'</i>
Amend paragraph 5.27 so it reflects the requirements of the policy by adding <i>'or otherwise in writing'</i> after <i>'...Design and Access Statement'</i>	Policy D2, page 24	Agreed, in part, to comply with	ESBC believe that the phrase <i>'or other written statement'</i> is clearer than that suggested by the examiner, but it still meets the basic conditions. Therefore add <i>'or other written statement'</i> after <i>'...Design and Access</i>

		national policy	Statement'
Reword the policy as follows <i>'Development proposals in Yoxall village that would generate a significant amount of movement or would potentially affect a known and evidenced traffic hazard must be supported by a Transport Statement or Assessment as appropriate. The Statement or Assessment will set out details of the transport issues relating to the development including the measures to be taken to deal with the anticipated transport impacts of the scheme and to take any opportunities as appropriate for improving the pedestrian and cycle connectivity.'</i>	Policy T1, page 25	Agreed, to better reflect national policy	Reworded policy: <i>'Development proposals in Yoxall village that would generate a significant amount of movement or would potentially affect a known and evidenced traffic hazard must be supported by a Transport Statement or Assessment as appropriate. The Statement or Assessment will set out details of the transport issues relating to the development including the measures to be taken to deal with the anticipated transport impacts of the scheme and to take any opportunities as appropriate for improving the pedestrian and cycle connectivity.'</i>
Include illustration 5b at a much larger and readable size	Page 26	Agreed	Diagram to stay on page 26 but also at A3 size in appendix E
Change the words 'Traffic Assessment' in paragraphs 5.34 and 5.35 to ' <i>transport assessment or statement</i> ' to align with reworded policy	Paras 5.34 and 5.34, page 26	Agreed, to reflect amended policy	Change words 'Traffic Assessment' to ' <i>transport assessment or statement</i> '
Undertake consequential amendments to the supporting text in paragraphs 5.29 to 5.35 inclusive as necessary	Paras 5.29-5.32	Agreed	Paragraph 5.32 add ' <i>or future</i> ' after ' <i>...these</i> ' and before ' <i>..."pressure points"</i> '
Retitle policy ' <i>Transport Considerations</i> ' or similar	Policy T1, page 25	Agreed	New policy title: <i>Transport Considerations</i> '
Reword Policy RE1 as follows: <i>'Development should not increase flood risk. Planning applications for development within the Plan area must be accompanied by a site-specific flood risk assessment in line with the requirements of national policy and advice, but may also be required on a site by site basis based on locally available evidence. All proposals must demonstrate that flood risk will not be increased elsewhere and that the proposed development is appropriately flood resilient and resistant. Information accompanying the application should demonstrate how any mitigation measures will be satisfactorily integrated into the design and layout of the development. The use of sustainable urban drainage systems and</i>	Policy RE1, page 27	Agreed, to meet national policy	ESBC believe the second sentence of the re-worded policy is not grammatically correct therefore suggest a slightly amended version, whilst still meeting the basic conditions: Reworded policy: <i>'Development should not increase flood risk. Planning applications for development within the Plan area must be accompanied by a site-specific flood risk assessment in line with the requirements of national policy and advice. This may also be required on a site by site basis based on locally available evidence. All proposals must demonstrate that flood risk will not be increased elsewhere and that the proposed development is appropriately flood resilient and resistant. Information accompanying the application should demonstrate how any mitigation measures will be satisfactorily integrated into the design and layout of the development. The use of sustainable urban drainage systems and permeable surfaces</i>

<i>permeable surfaces will be encouraged where appropriate.'</i>			<i>will be encouraged where appropriate.'</i>
'he' should read ' <i>the</i> ' in the penultimate paragraph of the policy	Policy RE2, page 28	Agreed, typographical error	Replace 'he' with ' <i>the</i> ' in the penultimate paragraph of the policy
The Strategic Aim referred to in paragraph 5.45 should be '7' rather than '3'	Para 5.45, page 28	Agreed, typographical error	Replace '3' with '7'
Add at the end of the policy ' <i>with safe and direct pedestrian and, where appropriate, cycle access to these village amenities.'</i>	Policy CF1, page 29	Agreed, to meet the basic conditions	Add at the end of the policy ' <i>with safe and direct pedestrian and, where appropriate, cycle access to these village amenities.'</i>
Reword criterion b) as follows: <i>'it would have an acceptable impact on the character and scale of the village and its rural hinterland and landscape; and,'</i>	Policy E1, page 30	Agreed, to meet the basic conditions	Reworded criterion b): <i>'it would have an acceptable impact on the character and scale of the village and its rural hinterland and landscape; and,'</i>
Undertake any consequential amendments as necessary		Agreed, for consistency	Para 5.58, delete wording after ' <i>...must have</i> ' and add ' <i>an acceptable impact on the character and scale of the village and its rural hinterland</i> '
Add a short section outlining what a Connectivity Statement is and what it should consist of in the supporting text		Agreed	Add new paragraph 5.60: ' <i>The Connectivity Statement shall be in the form of a method statement including drawings illustrating how this is to be implemented.'</i>
Ensure the full village design statement in appendix A has been reproduced in full	Pages 32-34	Agreed	
Consider deleting Appendix D in its entirety (with section 4 of the Plan if that section is moved here)	Page 58 onwards	Not agreed	Yoxall Parish Council and Neighbourhood Plan working group are keen to demonstrate the amount of work that went in to site selection and consultation therefore section 4 of the plan will be moved to the start of Appendix D.

3.2 The Council concurs with the view of the Examiner that:

- subject to the modifications above, the Neighbourhood Development Plan meets the Basic Conditions set out in para. 2.12 above; and that
- the referendum area should be coterminous with the neighbourhood area.

4. Availability of Decision Statement and Examiner's Report (Regulation 18(2))

This Decision Statement and the Examiners Report can be inspected online at:

<http://www.eaststaffsbc.gov.uk/planning/planning-policy/neighbourhood-plans/yoxall>

and in paper form at:

Customer Service Centres, Burton and Uttoxeter, during normal opening hours –see link below:

<http://www.eaststaffsbc.gov.uk/Services/Pages/CustomerServiceCentres.aspx>

Or by application to the Parish Clerk, Mr Robert Young, 2B Appian Close, Two Gates, Tamworth, B77 1JA.